IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

WP(C).No. 1961 of 2007(H)

PETITIONER:

A.SELVAN, RESIDING AT KUNDANPADAM HOUSE,
ENNAPADAM, ELAPPULY P.O., PALAKKAD DISTRICT.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
SRI.JIBU P THOMAS
SRI.SUNIL J.CHAKKALACKAL

RESPONDENTS:
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1. INDIAN BANK, REPRESENTED BY ITS
CHIEF MANAGER, CIRCLE OFFICE, POST BOX NO.3515,
CHITTOOR ROAD, PULLEPADY JUNCTION, ERNAKULAM.

2. THE MANAGER, INDIAN BANK,
MAIN BRANCH, PALAKKAD.

3. THE AUTHORISED OFFICER,
INDIAN BANK, CIRCLE OFFICE, PULLEPADY JUNCTION,
ERNAKULAM.

BY GOVERNMENT PLEADER SMT.SUDHA DEVI.N
ADV.SRI.T.K.AJITH KUMAR FOR R1 AND R3

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.1961/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: **TRUE COPY OF THE NOTICE ISSUED BY THE BANK TO THE PETITIONER DATED 18.3.2006.**

EXT.P2: **TRUE COPY OF THE POSSESSION NOTICE ISSUED BY THE BANK DATED 23.8.2006.**

EXT.P3: **TRUE COPY OF THE SALE NOTICE ISSUED BY the THIRD RESPONDENT TO THE PETITIONER DATED 15.11.2006.**

EXT.P4: **TRUE COPY OF THE RESPRESENTATION SUBMITTED BY THE PETITIONER TO THE SECOND RESPONDENT WITH A COPY MARKED TO THE THIRD RESPONDENT DATED 15.12.2006.**

//TRUE COPY//

P.A. TO JUDGE

P.R.RAMAN, J.

W.P.(C) NO. 1961 OF 2007

Dated this the 24th day of January, 2007

J U D G M E N T

What is under challenge is Exhibit P1, a notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002. Subsequently, Exhibit P2 possession notice has been issued. The petitioner has got a statutory right of appeal before the Debts Recovery Tribunal.

2. In such circumstances, if the petitioner has got any dispute regarding the amount payable and any other contentions, he can very well raise the same in the said appeal. Leaving open such right of the petitioner, this writ petition is closed. However so as to enable the petitioner to work out his remedies, interim stay granted by this court against dispossession or sale of the residential house, will stand stayed for a period of three weeks.

Writ petition is closed.

P.R.RAMAN, JUDGE

Rp